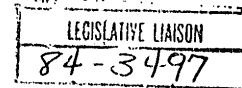


Congress of the United States
House of Representatives
Washington, D.C. 20515



September 12, 1984

Dear Colleague:

The House will shortly be considering H.R. 5164, the "Central Intelligence Agency Information Act," to improve CIA responsiveness to public requests for information under the Freedom of Information Act and to provide additional protection for certain sensitive CIA operational files. The legislation has been crafted with great care to ensure that modifying the application of the Freedom of Information Act to these files will neither diminish the amount of meaningful information currently available to the public under the FOIA nor diminish the important role of the courts in reviewing CIA compliance with the FOIA.

H.R. 5164 removes certain specifically defined sensitive CIA operational files from FOIA search, review and disclosure requirements. The contents of these files, which concern the sources and methods employed in the conduct of intelligence activities, are exempt from disclosure under existing FOIA exemptions for classified information and information relating to intelligence sources and methods, and have never been released under the FOIA.

Unproductive FOIA processing of CIA operational records which contain no meaningful information releasable under the FOIA absorbs a substantial amount of the time of experienced CIA operational personnel and of scarce tax dollars. This expenditure of time and money contributes nothing to the FOIA goal of an informed citizenry. In fact, it actively hinders achievement of that goal, because the time-consuming process of reviewing sensitive CIA operational records which prove unreleasable creates a bottleneck in the Agency's FOIA review process, causing a two-to-three year delay in CIA responses to many FOIA requests.


H.R. 5164 will eliminate the waste of resources on processing of unreleasable CIA operational records and will enable the CIA to respond more quickly and more efficiently to FOIA requests in the future than it has in the past. The legislation will also provide important additional assurances of security in the conduct of intelligence activities.


The bill specifically provides that CIA operational files will continue to be fully subject to FOIA search and review requirements for three important categories of FOIA requests: (1) requests by individuals for information on themselves, (2) requests concerning CIA covert actions, and (3) requests concerning the subject matter of investigations of intelligence activities for illegality or impropriety. The legislation also preserves the existing FOIA substantive standard of judicial review, which requires the courts to conduct de novo review of CIA action to implement the bill.


Finally, the legislation makes clear that the Privacy Act is not a nondisclosure statute displacing the disclosure provisions of the FOIA. This provision restores the proper relationship between the FOIA and the Privacy Act intended by Congress when it considered both statutes in 1974, but which has become confused by subsequent misinterpretation by certain administrative agencies and a few federal courts.

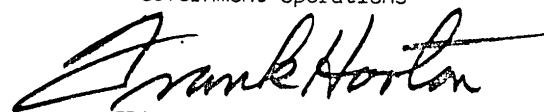
We urge you to join us in voting in favor of passage of H.R. 5164.

Sincerely,


EDWARD P. BOLAND
Chairman, Permanent Select
Committee on Intelligence


JACK BROOKS
Chairman, Committee on
Government Operations


J. KENNETH ROBINSON
Ranking Minority Member


FRANK HORTON
Ranking Minority Member